

REMARKS

By the present amendment, claims 1, 2, 7 and 11 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In particular, dependent claim 2 has been rewritten in independent form, claims 1, 7 and 11 have been amended in accordance with the suggestions of the examiner. Dependent claims 12 and 13 have been added. Entry of these amendments is respectfully requested.

Initially, applicants wish to make of record that, on November 8, 2007, amended claims were submitted by facsimile to Examiner Dove for her consideration. These claims were amended in response to a telephone conversation with Examiner Dove on November 2, 2007, regarding the claims submitted with the RCE filed September 18, 2007.

In a subsequent telephone message to the undersigned on November 9, 2007, Examiner Dove indicated that she considered that claims 2, 3, 14 and 15 would be allowable. However, the Examiner was of the opinion that claims 1 and 7 as submitted did not obviate the art rejection over the Fujii et al patent publications. In so doing, it was suggested that if the geometry of the electrolyte was specifically recited, claims of

this nature would be allowable. It is desired to thank the Examiner for the courtesies extended in reviewing the proposed claims and in communicating suggestions to the undersigned concerning these proposed claims.

In the Office Action, claims 1-11 were rejected under the first paragraph of 35 USC § 112 as failing to comply with the written description requirement and claims 1-11 were rejected under the second paragraph of 35 USC § 112 as being indefinite. In addition, claims 1, 4, 5, and 7-11 have been rejected under 35 USC § 102(b) as anticipated by the PCT application of Fujii et al or under 35 USC § 102(e) as anticipated by the patent to Fujii et al and claims 6 and 10 have been rejected under 35 USC § 103(a) as being unpatentable over the PCT application of Fujii et al or the patent to Fujii et al. Reconsideration of these rejections in view of the above claim amendments and the following comments is respectfully requested.

With respect to all of these rejections, the comments of the Examiner as set forth starting on the bottom of page six of the Action are noted. In particular, it was indicated that the amendments proposed on September 18, 2007, when the RCE was filed would overcome the rejection under the first paragraph of 35 USC § 112 and the rejection of claim 1 under the second paragraph of 35 USC § 112. In addition, amending the independent claims to have four sides where each is within a single plane would

obviate the anticipation rejections over the patent publications to Fujii et al. Furthermore, applicants acknowledge with appreciation the indication contained in the Action that dependent claims 2 and 3 would be allowable if rewritten in independent form.

In view of the above, dependent claim 2 has been amended to be in independent form. Since claim 2 was indicated as being allowable, it is submitted that independent claim 2 as amended and claims dependent thereon are also allowable. In addition, independent claims 1 and 7 have been amended as suggested in the Action and as indicated in the telephone message from Examiner Dove. In addition, claims 1 and 7 in the manner suggested in the Action and claim 11 has been amended to overcome the remaining rejection under the second paragraph of 35 USC § 112. It is believed that claims 1 and 7 now conform with the suggestion of the examiner. Further, newly added claims 12 and 13 correspond to claims 14 and 15 of the submission of November 8, 2007, and thus were indicated as being allowable.

For the reasons stated above, withdrawal of the rejections under 35 U.S.C. § 112, § 102 and § 103(a) and allowance of claims 1 through 11 over the cited patents are respectfully requested.

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In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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